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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/053,521 | 01/18/2002 | Jeffrey L. Kodosky | 5150-42901 | 1580 |
| 35690 | 7590 | 09/18/2006 | | |
| MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. 700 LAVACA, SUITE 800 AUSTIN, TX 78701 | | | | |
| | | | EXAMINER PIERRE LOUIS, ANDRE | |
| | | | ART UNIT 2123 | PAPER NUMBER |

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------|----------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/053,521 | KODOSKY ET AL. | |
| | Examiner | Art Unit | |
| | Andre Pierre-Louis | 2123 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/25/2006 has been entered.
2. Claims 2-18 have been presented for examination.

Response to Arguments

3. Applicant's arguments filed 08/25/2006 have been fully considered but they are not persuasive.

3.1 Applicant argues that Blake et al. does not disclose or it is unclear which are the three programs of claim 2 or Blake et al. does teach a program that routes requests, the Examiner respectfully disagrees and points to Blake et al. fig. 23(2301, 2302, 2303), also col.49 line 56-col.50 line 41.

3.2 While the applicant believes that the independent claim along with their dependencies should be found allowable, the Examiner respectfully disagrees and asserts that the combined teachings of the references cited teach the entire claimed invention. Found the applicant arguments non-persuasive, the Examiner maintains the rejection of the independent claims along with their dependencies.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.0 Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et al. (U.S. Patent No. 5,574,854), in view of Bilger (U.S. Patent No. 6,912,429).

4.1 In considering the independent claim 2, 17-18, Blake et al. substantially teaches a system for performing a simulation, in particular: a first program (*fig.23 (2302), col.1 line 17-col.3 line 36*); a measurement/control program (*fig.23 (2301), col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); a simulation program (*fig.23 (2303), col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); and an input device (*see fig.1-3, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); wherein the first program is operable to: receive a request for input from the measurement/control program (*see fig.1-3, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); selectively route the request for input, depending on whether the system is in simulation mode, wherein selectively routing the request for input comprises: routing the request for input to the simulation program if the system is in simulation mode (*see fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); and

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routing the request for input to the input device if the system is not in simulation mode (*see fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*). However, Blake et al. does not expressly teach determine whether the system is in simulation mode; and wherein the system can be configured to turn a simulation mode either on or off. Bilger substantially teaches determine whether the system is in simulation mode (*col.22 lines 17-45*); and wherein the system can be configured to turn a simulation mode either on or off (*col.22 lines 17-45*). Bilger further teaches an input/output device (*fig.1 (8)*) and further teaches connectivity capability between device, and the ability of remote access via the Internet (*col.26 line 66-col.27 line 30*). It would have been obvious to one ordinary skilled in the art at the time of the applicant's invention to combine the home automation system and method of Bilger with the simulation method and system of Blake et al. for the purpose of turning on/off and controlling the mode of simulation because Bilger teaches the advantage of using the attributes default set up in Cross to minimize time required to program Cross (*col.26 lines 24-40*).

4.2 With regards to claim 3, the combine teachings of Blake et al. and Bilger substantially teach that the measurement/control program performs the request for input identically, regardless of whether or not the system is in simulation mode (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); also Bilger *col.22 lines 17-45*).

4.3. As per claim 4, the combine teachings of Blake et al. and Bilger substantially teach the output device (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); also Bilger *fig.1 (8)*; wherein the first program is further operable to: receive a request for output from the measurement/control program (*see Blake et al. fig.1-3,*

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20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); and selectively route the request for output, depending on whether the system is in simulation mode, wherein selectively routing the request for output comprises: routing the request for output to the simulation program if the system is in simulation mode (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); routing the request for output to the output device if the system is not in simulation mode (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

4.4 Regarding claim 5, the combine teachings of Blake et al. and Bilger substantially teach that the first program determines that the system is in simulation mode and routes the request for input to the simulation program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); also Bilger col.22 lines 17-45); wherein the first program is further operable to: receive results for the input request from the simulation program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); and pass the results received from the simulation program to the measurement/control program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

4.5 With regards to claim 6, the combine teachings of Blake et al. and Bilger substantially teach that the request for input comprises a request for input through a first I/O channel (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); wherein the first program is further operable to determine that the first I/O channel is mapped to a first software routine of the simulation program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); wherein said routing the request

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for input to the simulation program comprises routing the request for input to the first software routine of the simulation program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

4.6 As per claim 7, the combine teachings of Blake et al. and Bilger substantially teach a configuration program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); wherein the configuration program is operable to map the first I/O channel to the first software routine of the simulation program in response to user input requesting the first I/O channel to be mapped to the first software routine of the simulation program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

4.7 Regarding claim 8, the combine teachings of Blake et al. and Bilger substantially teach a configuration program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); wherein the configuration program is operable to turn the simulation mode either on or off in response to user input (*see Blake et al. fig.1-3, 8, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); *also Bilger col.22 lines 17-45*).

4.8 As per claim 9, the combine teachings of Blake et al. and Bilger substantially teach that the simulation mode can be turned on and off without requiring the measurement/control program to be modified, wherein the measurement /control program operates correctly, regardless of whether or not the system is in simulation mode (*see Blake et al. fig.1-3, 8, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); *also Bilger col.22 lines 17-45*).

4.9 With regards to claim 10, the combine teachings of Blake et al. and Bilger substantially teach the a first computer system, wherein the input device is coupled to the first computer system (*see Blake et al. fig.1-3, 8, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); *also Bilger fig.1*; wherein the measurement/control program executes on the first computer system (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

4.10 Regarding claim 11, the combine teachings of Blake et al. and Bilger substantially teach that the simulation program also executes on the first computer system (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

4.11 As per claim 12, the combine teachings of Blake et al. and Bilger substantially teach a second computer system, wherein the second computer system is coupled to the first computer system by a network (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); *also Bilger fig.1*); wherein the simulation program executes on the second computer system (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); *also Bilger fig.1*).

4.12 With regards to claim 13, the combine teachings of Blake et al. and Bilger substantially teach that the simulation program is operable to simulate a physical system (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); *also Bilger fig.1 & its description*).

4.13 Regarding claim 14, the combine teachings of Blake et al. and Bilger substantially teach that the simulation program is operable to simulate operation of a device (*see Blake et al.*

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fig.1-3, 10A-10B, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1, 7-10 & their description).

4.14 As per claim 15, the combine teachings of Blake et al. and Bilger substantially teach that the measurement/control program comprises a graphical program, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program (*see Blake et al. fig.1-3, 10A-10B, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.26 line 24-col.27 line 30 and col.22 lines 17-45).*

4.15 With regards to claim 16, the combine teachings of Blake et al. and Bilger substantially teach that the simulation program comprises a graphical program, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program (*see Blake et al. fig.1-3, 10A-10B, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.26 line 24-col.27 line 30 and col.22 lines 17-45).*

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5.1 Chang et al. (U.S. Patent No. 6,047,387) teaches a simulation system for testing and displaying integrated circuits data transmission function of peripheral device.

5.2 Bunza (U.S. Patent No. 5,838,948) teaches a system and method for simulation of computer systems combining hardware and software interaction.

5.3 Richardson et al. (U.S. Patent no. 6,874,148) teaches a system and method for exporting a graphical program to a shared library.

5.4 Wang et al. (U.S. Patent No. 6,134,516) teaches a simulation server system and method.

5.5 Sitbon et al. (U.S. Patent No. 5,822,563) teaches a process for simulating server architecture from client architecture.

5.6 Skogby (U.S. Patent No. 5,946,474) teaches a simulation of computer-based telecommunications system.

5.7 Brogan et al. (U.S. Patent No. 6,182,242) teaches a generic device driver simulation and method.

6. Claims 2-18 are rejected and **THIS ACTION IS Non-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Pierre-Louis whose telephone number is 571-272-8636. The examiner can normally be reached on Mon-Fri, 8:00AM-4:30PM.

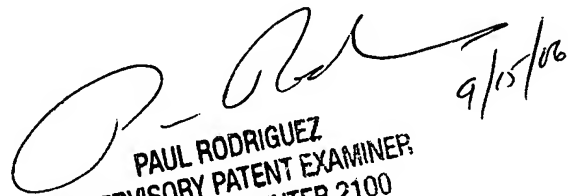
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul L. Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 13, 2006

APL


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
9/15/06